

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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AKF, INC. *d/b/a* FUNDKITE,

Plaintiff,

-against-

ARNOLD BROTHERS FOREST PRODUCTS, INC.;
BELCHER FAMILY FARMS LLC; JAMES WYATT
BELCHER,

Defendants.
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MEMORANDUM DECISION
AND ORDER

20 Civ. 7708 (GBD) (BCM)

GEORGE B. DANIELS, United States District Judge:

This case presents claims for breach of contract and breach of guaranty. On December 10, 2020, this Court awarded Plaintiff AKF, Inc. *d/b/a* Fundkite, a default judgment against Defendants Arnold Brothers Forest Products, Inc.; Belcher Family Farms LLC; and James Wyatt Belcher, (ECF No. 26), and referred the matter to Magistrate Judge Barbara C. Moses for an inquest on damages, attorneys' fees, and costs, (ECF No. 27).

Before this Court is Magistrate Judge Moses's April 28, 2023 Report and Recommendation (the "Report"), recommending that this Court award Plaintiff (i) \$134,000 in compensatory damages; (ii) prejudgment interest on that sum at the rate of 9% per annum from April 9, 2020 until the date of judgment; and (iii) \$3,557.50 in attorneys' fees and costs, with the judgment running jointly and severally against all three Defendants. (Report, ECF No. 36, at 14.) Magistrate Judge Moses advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (*Id.* at 15.) No party filed objections.

A court "may accept, reject, or modify, in whole or in part, the findings or recommendations" set forth in a magistrate judge's report. 28 U.S.C. § 636(b)(1)(C). A magistrate judge's report to which no objections are made is reviewed for clear error. *See Edwards v. Fischer*,

414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citations omitted). “In clear error review, a court should reverse a finding only if it is ‘left with the definite and firm conviction that a mistake has been committed,’ and not merely if it ‘would have decided the case differently.’” *Hernandez v. City of New York*, No. 11 Civ. 6644 (KPF) (DF), 2015 WL 321830, at *2 (S.D.N.Y. Jan. 23, 2015) (quoting *Easley v. Cromartie*, 532 U.S. 234, 242 (2001)).

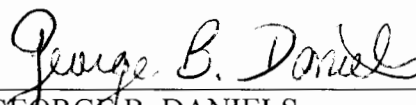
Magistrate Judge Moses conducted a comprehensive and careful inquest. This Court finds no error, clear or otherwise, in the Report’s analysis. Accordingly, Magistrate Judge Moses’s recommended judgment regarding damages and costs is ADOPTED in full for the reasons stated in the Report.

Final judgment shall be entered ordering Defendants to pay Plaintiff: (i) \$134,000 in compensatory damages; (ii) prejudgment interest on that sum at the rate of 9% per annum from April 9, 2020 until the date of judgment; and (iii) \$3,557.50 in attorneys’ fees and costs, with the judgment running jointly and severally against all three Defendants.

The Clerk of Court is respectfully directed to close this action.

Dated: August 17, 2023
New York, New York

SO ORDERED.



GEORGE B. DANIELS
United States District Judge